



Epstein Drangel LLP

60 East 42nd Street, Suite 2520, New York, NY 10165

T: 212.292.5390 • E: mail@ipcounselors.com

www.ipcounselors.com

MEMO ENDORSED

June 16, 2021

VIA E-MAIL

Hon. Katherine Polk Failla
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

**Re: *FoxMind Canada Enterprises Ltd. v. ASDA Technology (Zhaoqing) Co., Ltd., et al.*,
Case No. 21-cv-5135**

***FoxMind Canada Enterprises Ltd. v. Chongqing Caspar Import & Export Trade Co, Ltd., et al.*, Case No. 21-cv-5136**

***FoxMind Canada Enterprises Ltd. v. 1788 toy Store, et al.*, Case No. 21-cv-5140**

***FoxMind Canada Enterprises Ltd. v. May Baby Supplies Store, et al.*, Case No. 21-cv-5142**

***FoxMind Canada Enterprises Ltd. v. 100 Integrity, et al.*, Case No. 21-cv-5143**

***FoxMind Canada Enterprises Ltd. v. Abctec, et al.*, Case No. 21-cv-5146**

***FoxMind Canada Enterprises Ltd. v. AAA WWW, et al.*, Case No. 21-cv-5152**

Request to Modify and Extend TRO

Dear Judge Failla,

We represent Plaintiff FoxMind Canada Enterprises Ltd. (“Plaintiff”), in the above-referenced related matters (the “Actions”).¹ On June 10, 2021, Plaintiff filed these Actions and its Applications under seal. On the same day, June 10, 2021, the Court granted Plaintiff’s Applications and entered the Temporary Restraining Orders (“TROs”). Plaintiff respectfully requests modification of Section II(B) of the TROs, specifically the briefing schedule and the date of the show cause hearing for a preliminary injunction order. Additionally, as further detailed herein, Plaintiff respectfully requests that the Actions remain under seal until Plaintiff is able effectuate service on Defendants.

As the TROs currently stand, the Defendants’ deadline to file an opposition is tomorrow, June 17, 2021. However, Plaintiff is currently waiting for the Third Party Service Providers Alibaba, AliExpress, DHgate and Amazon to comply with the expedited discovery ordered in the TROs, specifically providing Defendants’ email addresses in order for Plaintiff to effect service of the Summons, Complaint and TROs on Defendants. Therefore, Plaintiff respectfully requests modification of Section II(B) of the TROs to allow for additional time to serve Defendants and for Defendants to file an opposition.

¹ Where a defined term is referenced herein but not defined, it should be understood as it is defined in the Glossary in Plaintiff’s Complaint or Application.

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Further, as it currently stands, the sealing orders in the TROs are set to expire tomorrow, June 17, 2021. As stated above, Plaintiff is currently waiting for the Third Party Service Providers to comply with the expedited discovery. Accordingly, because Plaintiff is currently unable to effectuate service on Defendants in the Actions, Plaintiff respectfully requests that the sealing order be extended to allow Plaintiff to complete service on all Defendants.

Lastly, the TROs are set to expire on June 24, 2021. *See* Fed. R. Civ. P. 65(b)(2). Should the Court modify Section II(B) of the TROs, Plaintiff respectfully requests the Court extend the TROs to the date of the show cause hearing.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

EPSTEIN DRANGEL LLP

BY: /s/Danielle S. Yamali
Danielle S. Yamali (DY 4228)
dfuterman@ipcounselors.com
60 East 42nd Street, Suite 2520
New York, NY 10165
Telephone: (212) 292-5390
Facsimile: (212) 292-5391
Attorneys for Plaintiff

Pursuant to the Court's June 16, 2021 endorsement, case numbers 21 Civ. 5135, 21 Civ. 5136, 21 Civ. 5140, 21 Civ. 5142, 21 Civ. 5143, 21 Civ. 5146, and 21 Civ. 5152 are hereby UNSEALED. The Clerk of Court is respectfully directed to uploaded sealed filings in the above-referenced cases to the public docket. The Clerk of Court is also directed to docket this endorsement in case numbers 21 Civ. 5135, 21 Civ. 5136, 21 Civ. 5140, 21 Civ. 5142, 21 Civ. 5143, 21 Civ. 5146, and 21 Civ. 5152 .

Dated: July 7, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE